19[illegible]

File No. Weights & Measures I

Legal Department.

P3E

B **BRANCH**

Subject:—

Rules under the Bombay weights and Measures Act, 1932

File No. Weights & Measures II/49(R)

Jan. 194

5241-B

Legal Department.

Draft notification at page 23. This notification is proposed to be issued under sub-section (2) of section 11A as added by the Bombay Weights and Measures (Amendment) Act, 1938. Under sub-section (1) of that section, the Provincial Government can, notwithstanding the other provisons of the Bombay Weights and Measures Act, 1932, declare that particular standard weights measures or weighting or measuring instruments shall be used for particular trades. Sub-section (2) of section 11A provides that when a declaration is made under sub-section (1), no other weight, etc. shall be used in those trades. Sub-section (2) thus prescribes the consequence of the delaration by the Provincial Government under sub-section (1). The proposal of the Education and Industries Department to issue a Notification under sub-section (2) in the negative form is not therefore correct. The view taken by the Secretary Education and Industries Department is correct. A notification specifying the standard weights and measures which are to be used by trades will have to be issued under sub-section (1). A revised draft Notification in this behalf is sent herewith.

Draft notification at p.25. The object of this draft notification is to exempt hawkers, milkmen etc. from the operation of new rules 119A and 123B requiring the maintenance of a register and laying down the method of suspension of a beam scale. But to achieve the above object the resort to section 46 of the Act is not correct. They can be so exempted under the rules themselves as the power to specify a class of trades includes the power to exclude a class of trades. The revised draft sent herewith provides accordingly.

It is not also legally correct, as observed by the Secretary Education and Industries Department to provide in general terms that such other person or class of persons as may be approved by the Director of Industries shall be exempt from the provisions of rules 119A and 123B. The power to specify a class of trades vests in the provincial Government and the Provincial Government itself should amend the rules if such exemption is to be extended to other trades in future.

Draft notification at pages 27-28 ante.

Rules 119A and 123B refer to Table XXIV to XXVII It will be necessary to add these tables in the Bombay Weights and Measures Rules 1934. But the Education and Industries Department has not made any such proposal. The revised draft notification provides for rules this.

S.D.Sd

Additional Secretary to Government.

E.R. to E.& I. D. No. 8834, dated the 4th August 1949.

VGP.

5-6-56.

NOTIFICATION.

Education and Industries Department,
Bombay Castle, August 1949.

Bombay Weights and Measures Act, 1939.

No. -. In exercise of the powers conferred by sub-section (1) of section 11A of the Bombay Weights and Measures Act, 1932 (Bom XV of 1932), the Government of Bombay is pleased to declare that notwithstanding anything contained in the said Act, the standard weights and measures specified in column 1 of the Schedule hereto appended shall be used for the class of trades specified in column 2 in the areas specified in column 3 on and with effect from the dates specified in column 4 respectively of the said Schedule.

SCHEDULE.

Standard weights	Class of Trades.	Area	Date.
Here specify the intended standard weights measuring.			
Standard Measures*			

By order of the Governor of Bombay.

Secretary to Government.

VGP.
5-6-58.